From: Alex Whitney
To: Microsoft ATR
Date: 1/17/02 1:54pm
Subject: Microsoft Settlement

## Dear Sir or Madam:

I'm sure Microsoft employees are stuffing this box with propaganda, as they have reputedly demonstrated their willingness and capability to do so, so I have little hope of being heard, but I must speak out against MS/DOJ settlement proposal.

It is objectionable: they are a company of thugs, and are not doing anyone, not our country, not our diversity of technology, not our economy - any favors with their anticompetitive practices.

This rapacious lot of doe-eyed "what, ME?" wolverine monopolists severely limits the number of good choices I have in hardware and software through their vast, rich, well thought out range of both blatant and subtle anti-competitive practices.

The proposed settlement does nothing to stop this criminal activity. And, they make you look bad, by getting away with it.

Right now, they are squeezing my company for cash via software licenses like the mafia; quietly pushing UCITA through state governments - how they are getting key individuals to pass this piece of bogus legislation will come to light, I'm sure - and are quashing creative, innovative work that could make us competitive internationally for years.

Microsoft is a bunch of monopolists, with knowledge aforethought and criminal intent. It was so obvious to the judge handling the case that he frankly was overwhelmed - he simply couldn't contain his outrage. That's no reason to call off a lawsuit and hand Microsoft the keys to the kingdom.

A more effective remedy would be one that required Microsoft to standardize and publicize the entire set of Windows APIs and the file formats of its Office applications (another key to Microsoft's monopoly "lock-in") -- with the express goal of allowing competitors to build Windows software applications, and operating systems, that compete with Microsoft on a level field.

Such a plan would require careful oversight and enforcement, since Microsoft could easily engage in all manner of foot-dragging. If Microsoft set out to be uncooperative, it could release the API information slowly, in deliberately confusing ways, or in a "Good Soldier Svejk" fashion -- assiduously following the letter of the court's order while flagrantly violating its spirit. (There's precedent here: This is precisely how Microsoft behaved during the trial when it told the court that, sure, it

would supply a version of Windows with Internet Explorer removed from its guts, but gee, sorry, then Windows wouldn't work.) It would include some penalties: you violate this agreement, you consent to being broken up into three companies, each with all of the Windows source code and a third of MS's developers, on a judge's ruling.

I can already hear them howling in protest. Its too bad that their lawyers are so good at beating up your lawyers... For all of us. These are the people you are supposed to protect us from, and I would appreciate it if you would do a better job. I know I don't have as much money as they do, but that's not supposed to count, hm? Get 'em, boys! Its a hard fight, but our country needs them to step back even if their ego won't let them fight fairly. They don't even fight fairly with you, do they?

--Alex Whitney Vice President, Director of Technology Cline, Davis & Mann 110 East 13th Street New York City New York, 10003 (212) 907-4348